

(d) *Pre-duty use.* (1) No covered employee shall perform flight crew-member or flight attendant duties within 8 hours after using alcohol. No certificate holder having actual knowledge that such an employee has used alcohol within 8 hours shall permit the employee to perform or continue to perform the specified duties.

(2) No covered employee shall perform safety-sensitive duties other than those specified in paragraph (d)(1) of this section within 4 hours after using alcohol. No certificate holder having actual knowledge that such an employee has used alcohol within 4 hours shall permit the employee to perform or continue to perform safety-sensitive functions.

(e) *Use following an accident.* No covered employee who has actual knowledge of an accident involving an aircraft for which he or she performed a safety-sensitive function at or near the time of the accident shall use alcohol for 8 hours following the accident, unless he or she has been given a post-accident test under appendix J of this part, or the employer has determined that the employee's performance could not have contributed to the accident.

(f) *Refusal to submit to a required alcohol test.* No covered employee shall refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol test required under appendix J to this part. No certificate holder shall permit an employee who refuses to submit to such a test to perform or continue to perform safety-sensitive functions.

[Amdt. 121-237, 59 FR 7389, Feb. 15, 1994]

#### § 121.459 Testing for alcohol.

(a) Each certificate holder must establish an alcohol misuse prevention program in accordance with the provisions of appendix J to this part.

(b) No certificate holder shall use any person who meets the definition of *covered employee* in appendix J to this part to perform a safety-sensitive function listed in that appendix unless such person is subject to testing for alcohol misuse in accordance with the provisions of appendix J.

[Amdt. 121-237, 59 FR 7390, Feb. 15, 1994]

### Subpart P—Aircraft Dispatcher Qualifications and Duty Time

*Limitations:* Domestic and Flag Operations; Flight Attendant Duty Period Limitations and Rest Requirements: Domestic, Flag, and Supplemental Operations

#### § 121.461 Applicability.

This subpart prescribes—

(a) Qualifications and duty time limitations for aircraft dispatchers for certificate holders conducting domestic flag operations; and

(b) Duty period limitations and rest requirements for flight attendants used by certificate holders conducting domestic, flag, or supplemental operations.

[Doc. No. 28154, 61 FR 2612, Jan. 26, 1996]

#### § 121.463 Aircraft dispatcher qualifications.

(a) No certificate holder conducting domestic or flag operations may use any person, nor may any person serve, as an aircraft dispatcher for a particular airplane group unless that person has, with respect to an airplane of that group, satisfactorily completed the following:

(1) Initial dispatcher training, except that a person who has satisfactorily completed such training for another type airplane of the same group need only complete the appropriate transition training.

(2) Operating familiarization consisting of at least 5 hours observing operations under this part from the flight deck or, for airplanes without an observer seat on the flight deck, from a forward passenger seat with headset or speaker. This requirement may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight. A person may serve as an aircraft dispatcher without meeting the requirement of this paragraph (a) for 90 days after initial introduction of the airplane into operations under this part.

(b) No certificate holder conducting domestic or flag operations may use any person, nor may any person serve, as an aircraft dispatcher for a particular type airplane unless that person has, with respect to that airplane,

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satisfactorily completed differences training, if applicable.

(c) No certificate holder conducting domestic or flag operations may use any person, nor may any person serve, as an aircraft dispatcher unless within the preceding 12 calendar months the aircraft dispatcher has satisfactorily completed operating familiarization consisting of at least 5 hours observing operations under this part, in one of the types of airplanes in each group to be dispatched. This observation shall be made from the flight deck or, for airplanes without an observer seat on the flight deck, from a forward passenger seat with headset or speaker. The requirement of paragraph (a) of this section may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight. The requirement of this paragraph may be satisfied by observation of 5 hours of simulator training for each airplane group in one of the simulators approved under § 121.407 for the group. However, if the requirement of paragraph (a) is met by the use of a simulator, no reduction in hours is permitted.

(d) No certificate holder conducting domestic or flag operations may use any person, nor may any person serve as an aircraft dispatcher to dispatch airplanes in operations under this part unless the certificate holder has determined that he is familiar with all essential operating procedures for that segment of the operation over which he exercises dispatch jurisdiction. However, a dispatcher who is qualified to dispatch airplanes through one segment of an operation may dispatch airplanes through other segments of the operation after coordinating with dispatchers who are qualified to dispatch airplanes through those other segments.

(e) For the purposes of this section, the airplane groups, terms, and definitions in § 121.400 apply.

[Doc. No. 7325, 37 FR 5607, Mar. 17, 1972, as amended by Amdt. 121–251, 60 FR 65934, Dec. 20, 1995]

**§ 121.465 Aircraft dispatcher duty time limitations: Domestic and flag operations.**

(a) Each certificate holder conducting domestic or flag operations shall establish the daily duty period for a dispatcher so that it begins at a time that allows him or her to become thoroughly familiar with existing and anticipated weather conditions along the route before he or she dispatches any airplane. He or she shall remain on duty until each airplane dispatched by him or her has completed its flight, or has gone beyond his or her jurisdiction, or until he or she is relieved by another qualified dispatcher.

(b) Except in cases where circumstances or emergency conditions beyond the control of the certificate holder require otherwise—

(1) No certificate holder conducting domestic or flag operations may schedule a dispatcher for more than 10 consecutive hours of duty;

(2) If a dispatcher is scheduled for more than 10 hours of duty in 24 consecutive hours, the certificate holder shall provide him or her a rest period of at least eight hours at or before the end of 10 hours of duty.

(3) Each dispatcher must be relieved of all duty with the certificate holder for at least 24 consecutive hours during any seven consecutive days or the equivalent thereof within any calendar month.

(c) Notwithstanding paragraphs (a) and (b) of this section, a certificate holder conducting flag operations may, if authorized by the Administrator, schedule an aircraft dispatcher at a duty station outside of the 48 contiguous States and the District of Columbia, for more than 10 consecutive hours of duty in a 24-hour period if that aircraft dispatcher is relieved of all duty with the certificate holder for at least eight hours during each 24-hour period.

[Doc. No. 28154, 61 FR 2612, Jan. 26, 1996]

**§ 121.467 Flight attendant duty period limitations and rest requirements: Domestic, flag, and supplemental operations.**

(a) For purposes of this section—